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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/777,579

02/12/2004

George Jordan

IORDAN01

6001

28160 7590 10/31/2007

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SHELBURNE, VT 05482-7495

EXAMINER

FELTON, MICHAEL J

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/777,579		IORDAN, GEORGE	
	Examiner		Art Unit	
	Michael J. Felton		1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/30/2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

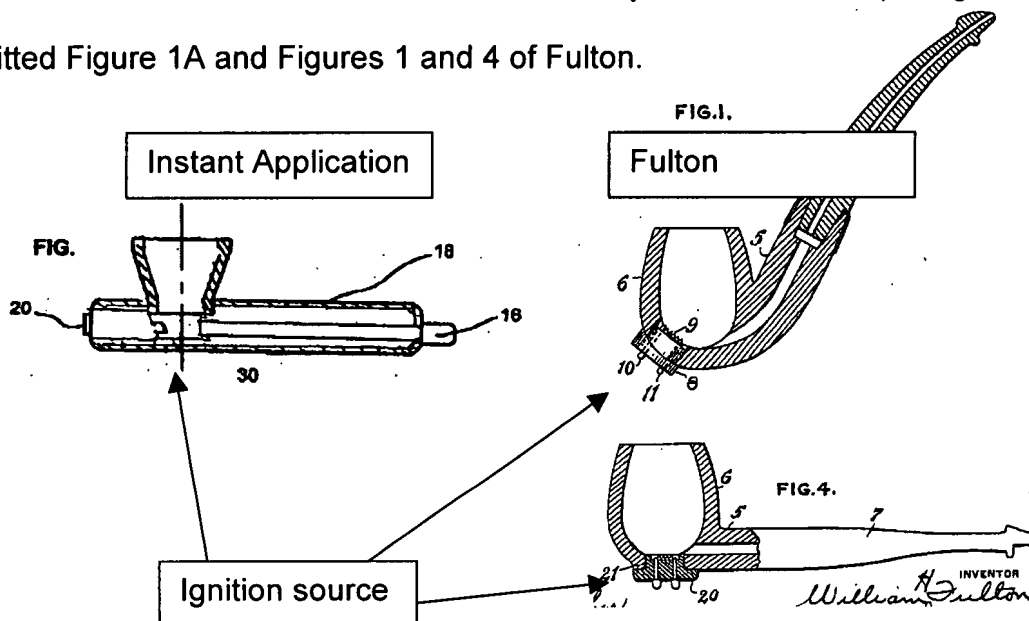
Drawings

1. The drawings were received on 8/30/2007. Although these drawings address the objection presented in the previous office action, there are minor informalities that prevent the drawings from being accepted. The drawings are objected to because the added figure (believed to be figure 1A), is not labeled with a figure number (only "Fig." appears with no corresponding number). As this appears to be a typographical error, the Examiner has assumed this new figure is 1A, as it is called in the revised specification, and in the interest of compact prosecution has examined the case.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to Arguments

1. Applicant's arguments filed 8/30/2007 have been fully considered but they are not persuasive. The applicant alleges that the one of the patentable differences between the instant application and Fulton is that Fulton has no combustion chamber below the bowl, and therefore, Fulton's ignition system cannot be located in the combustion chamber. The examiner interprets the combustion chamber described in the instant application as part of the bowl as it has no clear separation from what the applicant considers to be the bowl, and the fact that the applicant's bowl has no bottom. The examiner believes that, should the torch flame now required in claim 1 be replaced with an electrical ignition, the smoking device would be identical in function to Fulton. Therefore, there is not patentable difference in the location of ignition sources.
2. The similarities of the location can be clearly seen when comparing the newly submitted Figure 1A and Figures 1 and 4 of Fulton.



Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulton (US 1,157,771) in view of Ishiguro (US 3,408,153), Schubert et al (US 5,960,783), and Tucker (US 3,698,400).
5. Regarding claim 1, Fulton discloses a smoking device comprising a combustion chamber bowl (figure 4, element 6) for containing combustible materials to be burned and a mouthpiece pipe (5) communicating with the combustion chamber. Although Fulton discloses an ignition means below the bowl (element 21 or column 1, line 51-55) he does not disclose a piezoelectric torch flame ignition device.
6. Ishiguro (entire patent) discloses a piezoelectric torch for lighting smoking articles, which have become extremely common. In addition to being used as a stand alone lighter, piezoelectric ignition systems have been used in a range of products, from gas stoves (Schubert et al.) to smoking pipes (Tucker). It would have been obvious to one of ordinary skill in the art at the time of invention that a piezoelectric ignition system, such as the torch flame of Ishiguro, could be used in place of the electrical ignition system of Fulton. The combination would provide a more portable, faster acting ignition system, capable of higher temperatures, which is a well-known advantage of piezoelectric torch stand-alone lighters such as Ishiguro.
7. Regarding claim 5, Ishiguro, Schubert et al, and Tucker all contain tanks for gaseous fuel (Tucker, col. 3, lines 8-18).

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8. Regarding claim 7, Tucker discloses a removable cover for the fuel tank (col. 3, line 11-15, and element 29 in figure 1).

9. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulton (US 1,157,771), Ishiguro (US 3,408,153), Schubert et al (US 5,960,783), and Tucker (US 3,698,400) as applied to claim 1 above, and further in view of US 3,863,647 to Unger. Fulton and Tucker do not disclose combustion chamber bowls or mouthpieces formed of metal. Unger discloses that a smoking device with a combustion chamber bowl and mouthpiece pipe made of metal (column 1, lines 41-55). Unger further discloses particular aluminum alloys for use in making the bowl and mouthpiece pipe (column 3, lines 41-43). The motivation for making the pipe components of Fulton and Tucker out of metal is disclosed in Unger. Unger suggests (column 1, lines 10-39) that traditional wood bowls and pipes tend to accumulate tars along their surface and in their porous internal structures making them difficult to clean. Unger also suggests that making a pipe of metal is cost efficient and produces a lightweight smoking device, which is particularly true of aluminum. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine Fulton, Ishiguro, Schubert et al., Tucker, and Unger to obtain the invention as specified in claim 2 and 3.

10. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulton (US 1,157,771), Ishiguro (US 3,408,153), Schubert et al (US 5,960,783), and Tucker (US 3,698,400) as applied to claim 1 above and further in view of US Published Application 20020069886 to Couch. Fulton and Tucker do not disclose a smoking

device with a combustion chamber bowl and mouthpiece pipe formed from metal or stainless steel. Couch discloses a smoking device with a bowl and a mouthpiece pipe constructed of stainless steel (paragraph 007). The motivation for making the smoking device components from stainless steel is disclosed in Couch. Couch suggests that stainless steel enables the smoking device to be easy to clean, dishwasher safe, and able to be sterilized (paragraph 010) as well as sturdy and virtually unbreakable (paragraph 011). Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine Fulton, Ishiguro, Schubert et al., Tucker, and Couch to obtain the invention as specified in claim 2 and 4.

11. Claim 6 is as being unpatentable over US 1,157,771 to Fulton in view of 3,698,400 to Tucker as applied to claim 1 above, and further in view of US 3,079,927 to Fassbender. Fulton and Tucker do not disclose a removable bowl and mouthpiece pipe. Fassbender discloses a smoking device that can be disassembled so that the bowl and mouthpiece pipe are removable (column, lines 10-14). The motivation to make a smoking device in which the bowl and mouthpiece pipe are removable is disclosed in Fassbender. Fassbender indicates that detachably connecting pipe components is desired so that they can be rapidly disassembled for any reason (column, lines 10-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine Fulton, Ishiguro, Schubert et al., Tucker, and Fassbender to obtain the invention as specified in claim 4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Felton whose telephone number is 571-272-4805. The examiner can normally be reached on Monday to Friday, 7:30 AM to 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJF


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